

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EMPLOYEE PAINTERS WELFARE TRUST,
 et al.,

 Plaintiff,
 vs.
 ATLAS PAINTING & DRYWALL, LLC, et al.,
 Defendants.

Case No. 2:09-cv-02208-GMN-PAL

ORDER

This matter is before the court on a Letter (Dkt. #69) received from Defendant Keith Tubin and docketed with the court on January 6, 2011. On November 8, 2010, the court granted attorney Keith E. Gregory's Motion to Withdraw as Counsel (Dkt. #41). *See* Order, Dkt. #59. In that Order, the court directed the corporate Defendants Atlas Painting & Drywall, LLC; Atlas Building & Development, LLC; and International Fidelity Insurance Company to retain counsel. It also directed the individual Defendants, Audra Marie Tubin, Keith Tubin, Ernest R. Cortez, and Kathryn Mac to either retain counsel or file a notice they would proceed *pro se*. Both the individual and corporate Defendants were required to comply with the court's Order by December 6, 2010. The court warned Defendants that failure to comply with the Order could result in a recommendation to the District Judge that sanctions, including case-dispositive sanctions, be entered. None of the Defendants complied or requested an extension of time in which to comply.

On December 22, 2010, the court entered an Order to Show Cause (Dkt. #67) because Defendants failed to comply with the court's Order. The court directed that Defendants show cause, in writing, on or before January 6, 2011, why sanctions should not enter for their failure to comply with the court's Order (Dkt. #59). On January 6, 2001, Defendant Keith Tubin sent a letter to the court


1 advising that “[w]e are the process of potentially settling this case over the next few weeks.”
2 Additionally, he states that “we have been trying to find an attorney who is willing to assist us with this
3 case and require more time.” However, Defendant Keith Tubin does not advise on whose behalf this
4 letter is being sent, nor does he state how much additional time he needs to obtain counsel. Further, it
5 appears the court does not have a current address for Mr. Tubin, as several orders addressed to him and
6 Defendant Atlas Painting & Drywall, LLC, have been returned as undeliverable. *See, e.g.*, Dkt. ##66,
7 68.

8 Having reviewed and considered the matter,

9 **IT IS ORDERED:**

- 10 1. Defendants Keith Tubin, Audra Marie Tubin, Ernest R. Cortez, and Kathryn Mac shall
11 either retain counsel or file a statement that they will proceed *pro se* on or before
12 **January 27, 2011.**
- 13 2. Defendants Atlas Painting & Drywall, LLC; Atlas Building & Development, LLC; and
14 International Fidelity Insurance Company shall retain counsel who shall file a Notice of
15 Appearance in accordance with the Local Rules on or before **January 27, 2011.**
- 16 3. Defendants Atlas Painting & Drywall, LLC, and Keith Tubin shall provide a current
17 address to the Clerk of Court on or before **January 27, 2011.**
- 18 4. Failure to comply with this Order may result in a recommendation to the District Judge
19 that case-dispositive sanctions be entered against these Defendants.

20 Dated this 13th day of January, 2011.

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23 PEGGY A. LEEN
24 UNITED STATES MAGISTRATE JUDGE
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